



City of Albuquerque

Legislative File Number R-06-97 (version 1)

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

Declaring A Moratorium Until November 6, 2006 On The Approval Of Super Retail Outlets
In Any C-1 Zone (Neighborhood Commercial Zone) Or Any C-2 Zone (Community
Commercial Zone); Declaring An Emergency.

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

WHEREAS, the City of Albuquerque has experienced a growth in the number and size of "Super Retail Outlets", large retail outlets that provide a wide range of lower cost retail products directly to consumers; and

WHEREAS, these Super Retail Outlets have been treated the same as all other retail outlets for purposes of zoning regulation and allowed as permissive uses in C-1 Neighborhood Commercial Zones and C-2 Community Commercial Zones; and

WHEREAS, these Super Retail Outlets, as they have grown in size and as they draw customers from ever more widespread areas, create an intensity of use that is inappropriate for the purposes for which C-1 and C-2 Zones were intended; and

WHEREAS, The Council finds that Super Retail Outlets are an appropriate use in the City that contribute to the City's economic vitality but that the zone which is appropriate for the intensity of activity generated by a Super Retail Outlet is not C-1 or C-2 but C-3; and

WHEREAS, the City Council intends to consider legislation to provide appropriate controls on the siting of Super Retail Outlets; and

WHEREAS, as required by Section 14-16-4-1(D)(1) ROA 1994, any such legislation must be forwarded to the Environmental Planning Commission ("EPC") for its evaluation and recommendation in order to ensure that the legislation is appropriate and must then

be reviewed by the Land Use, Planning & Zoning Committee before final Council action; and

WHEREAS, during the period in which the City is considering and acting on appropriate limitations on the location of Super Retail Outlets there may be substantial development which is inconsistent with any conclusions reached with respect to the proper location for Super Retail Outlets and the resultant legislation on the issue; and

WHEREAS, a short delay in approving Super Retail Outlets in C-1 and C-2 zones will ensure that future development will be consistent with any policy that may be adopted; and

WHEREAS, the City should determine on or before November 6, 2006 whether this moratorium should terminate, be extended or be modified; and

WHEREAS, the intended purpose of this moratorium is to allow the City to advance the health, safety and welfare of the public and to further goals and policies adopted by the Council.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. Upon the adoption of this Resolution until November 6, 2006, the City shall not approve any application for a Super Retail Outlet in a C-1 or C-2 zone. This moratorium shall apply to any application pending as of the date of this resolution and to any application applied for after June 19, 2006.

Section 2. For purposes of this resolution a Super Retail Outlet shall mean a business that sells from its premises goods, wares or merchandise primarily to the ultimate consumer for personal or household use and whose gross floor area exceeds 50,000 square feet. The floor area of all buildings operated by a single business at the same site shall be aggregated to determine gross floor area. Definitions from the Albuquerque Zoning Code shall apply to other terms in this section.

Section 3. The Council declares an emergency and this Resolution shall become effective upon the date of adoption by the Council.

